

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

NOTICE OF INTENT  
TO DEPART

06-CR-6077L

v.

HOWARD DENNIS KELLY,

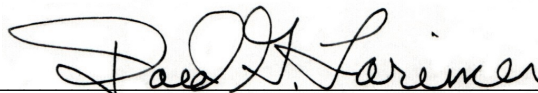
Defendant.

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This is to give notice that the Court is considering making an upward departure, pursuant to U.S. Sentencing Guidelines, 4A1.3, on the grounds that the defendant's criminal history substantially under-represents the seriousness of his criminal history or the likelihood that defendant will commit other crimes.

I have not finally decided the issue, but hereby give notice that I am considering such a departure and, therefore, give the parties a chance to address the matter, in writing or orally, at the time of sentencing. If a writing is contemplated, it must be filed at least two (2) business days prior to the sentencing date.

IT IS SO ORDERED.



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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
April 16, 2008.